

02-24-06

IFW/1743
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Attorney Docket No. WPT0006
Client matter No. 80469.0006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/009,277

Inventors: David ANDREWES, et al.

Filed: December 7, 2001

TC/A.U. 1743

Examiner: Natalia A. LEVKOVICH

Docket No. WPT0006

Customer No. 25235

Confirmation No. 6080

Title: MIXING APPARATUS AND
METHOD OF MIXING DURING
CONDUCTING AN ASSAY

CERTIFICATE OF MAILING BY EXPRESS MAIL

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the following documents:

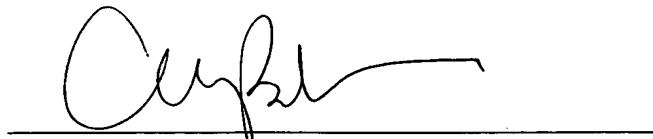
1. Response to Notice of Non-Compliant Amendment;
2. Copy of Notice of Non-Compliant Amendment;
3. Substitute Amendment and Response to Restriction Requirement and Petition for 3-Month Extension;
4. Return Card, and

this Certificate of Mailing relating to the above application, were deposited as "Express Mail," Mailing Label No. EL890827616US with the U.S. Postal Service, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 23, 2006.

February 23, 2006


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February 23, 2006


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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Amendment was mailed February 17, 2006, (copy enclosed), indicating that claims 32-35 previously cancelled by a prior amendment were not included in the Response of February 6, 2006.

A. Amendment to the Claims

Enclosed is a Substitute Amendment & Response to Restriction Requirement and Petition for 3-Month Extension, in which the claim listing includes cancelled claims 32-35 and re-numbers newly added claims 36-55.

Respectfully submitted,

February 23, 2006

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,277	02/17/2006	David Andrewes	WPT0006	6080

25235 7590 02/17/2006
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FEB 22 2006

HOGAN & HARTSON LLC

EXAMINER
LEVKOVICH, NATALIA A

ART UNIT	PAPER NUMBER
1743	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/009277

Applicant(s)

Examiner

Art Unit

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 2-6-06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other Claim 35 was canceled by Inter. Pro. Rmdt.
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Anda Lawrence
Legal Instruments Examiner (LIE)

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